

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: (Cont. 09/941,425)) Group Art Unit: 3732
Filed: December 15, 2003) Examiner: E. Robert
For: BONE HEMI-LUMBAR INTERBODY SPINAL)
FUSION IMPLANT HAVING AN)
ASYMMETRICAL LEADING END AND)
METHOD OF INSTALLATION THEREOF)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior application Serial No. 09/941,425, filed August 28, 2001; and/or Serial No. 09/553,000, filed April 19, 2000, now U.S. Patent No. 6,350,283; upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which are attached hereto:

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing Date	Publication/Patent No.
	09/553,573	19APR00	N/A

Applicant respectfully requests that the Examiner consider the document listed above, indicate that it was considered by making appropriate notations in the appropriate column, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

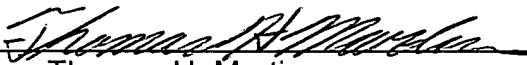
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 15, 2003

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Substitut f r FORM PTO-1449									Attorney Docket Number 101.0089-02000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION									Applicant Gary K. Michelson, M.D.		Application Number (Cont. of 09/941,425)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>4</u>									Filing Date December 15, 2003		Group Art Unit (3732)	
U.S. PATENT DOCUMENTS												
EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	D	2	4	5	2	5	9	08/1977	Shen			
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	0	0	7	7	1	5	9	04/20/83	Europe			
		2	8	3	0	7	8	05/01/85	Spain			U.S. Equivalent U.S. 4,877,020
	0	1	7	9	6	9	5	04/30/86	Europe			Yes
	3	5	0	5	5	6	7	05/06/86	Germany			Abstract Only
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	62	1	5	5	8	4	6	07/10/87	Japan			Yes
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	0	6	2	7	2	0	4	12/07/94	Europe			Abstract Only
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	0	6	3	7	4	4	0	10/15/97	Europe			U.S. Equivalent U.S. 5,683,463

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	European Opposition Document, Nov. 27, 1995 – Opposing EP Patent No. 425 542 B1 to Karlin Technology, Inc.
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	A picture of a Medtronic, Sofamor Danek Display; titled "Evolving With Your Needs" (4/6/00)
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.